

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:22-CV-00063-FDW**

NAPOLEON CURTAIN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

**THIS MATTER** is before the Court on the Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), filed on June 21, 2023. (Doc. No. 17). Having reviewed the Motion, supporting materials, memorandum in support, and the case file, the Court determines that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act, ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$9,300.00.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Fees Under the Equal Access to Justice Act, (Doc. No. 17), 28 U.S.C. § 2412(d)(1)(A), is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$9,300.00. Pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**IT IS SO ORDERED.**

Signed: June 22, 2023

  
Frank D. Whitney  
United States District Judge

